

Judgment of the Civil Service Tribunal (3rd Chamber) of 1 December 2010 — Gagalis v Council

(Case F-89/09) ⁽¹⁾

(Civil service — Social security — Occupational accident — Partial permanent invalidity — Decision to take responsibility for 75 % of the costs of a thermal cure — Reimbursement for care under Article 72 of the Staff Regulations and additional reimbursement under Article 73 of the Staff Regulations — Exclusion of cover for subsistence expenses — Refusal of additional reimbursement — Interpretation of Article 73(3) of the Staff Regulations and of Article 9 of the Common rules on the insurance of officials against the risk of accident and occupational disease)

(2011/C 30/119)

Language of the case: French

Parties

Applicant: Spyridon Gagalis (Kraainem, Belgium) (represented by: N. Lhoëst, lawyer, then by N. Lhoëst and L. Delhaye, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and K. Zieleńkiewicz, Agents)

Re:

Action for annulment of the defendant's decision refusing to reimburse the applicant, pursuant to Article 73 of the Staff Regulations, 75 % of all the costs relating to a thermal cure.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Gagalis to pay all the costs.

⁽¹⁾ OJ C 312, 19.12.2009, p. 45.

Judgment of the Civil Service Tribunal (First Chamber) of 30 November 2010 — Taillard v Parliament

(Case F-97/09) ⁽¹⁾

(Civil service — Official — Successive sick leave — Arbitration — Finding that the applicant was able to work — Refusal of new duly issued medical certificate — No medical examination — Sick leave deducted from annual leave — Inadmissibility — Action for annulment and damages)

(2011/C 30/120)

Language of the case: French

Parties

Applicant: Christine Taillard (Thionville, France) (represented by: N. Cambonie and C. Lelièvre, lawyers)

Defendant: European Parliament (represented by: K. Zejdová and S. Seyr, Agents)

Re:

First, an action for annulment of the decision by which the European Parliament declares a medical certificate attesting to the applicant's incapacity to work inadmissible and the resultant decision to withdraw annual leave. Second, a claim for compensation for the damage suffered by the applicant

Operative part of the judgment

The Tribunal:

1. Annuls the Decision of the European Parliament of 15 January 2009, by which the Parliament refused to accept the medical certificate of 5 January 2009 and the resultant decision to deduct Ms Taillard's absence of 6 to 9 January 2009 from her annual leave;
2. Dismisses the remainder of the action;
3. Orders the Parliament to bear its own costs and pay those incurred by Ms Taillard.

⁽¹⁾ OJ C 24, 30.1.2010, p. 81.

Judgment of the Civil Service Tribunal (Single Judge) of 14 December 2010 — Marcuccio v Commission

(Case F-1/10) ⁽¹⁾

(Civil service — Officials — Social security — Sickness insurance — Applications for reimbursement of medical expenses — No act adversely affecting an official — Inadmissibility — No proper statement of reasons)

(2011/C 30/121)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Defendant: European Commission (represented by: J. Currall and C. Berardis-Kayser, agents, and A. Dal Ferro, lawyer)

Re:

Application for annulment of the decision refusing 100 % reimbursement of the applicant's medical expenses.

Operative part of the judgment

The Tribunal:

1. Annuls the implied decisions by which the European Commission rejected Mr Marcuccio's claims of 25 December 2008 seeking reimbursement at the normal rate of certain medical expenses.
2. Dismisses the remainder of the heads of claim.
3. Orders each party to bear its own costs.

(¹) OJ C 63, 13.3.2010, p. 52.

**Judgment of the Civil Service Tribunal (First Chamber) of
23 November 2010 — Gheysens v Council**

(Case F-8/10) (¹)

(Public service — Auxiliary contract staff — Nonrenewal of
contract — Duty to state reasons)

(2011/C 30/122)

Language of the case: French

Parties

Applicant: Johan Gheysens (Malines, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Council of the European Union (represented by: M. Balta and K. Zieleńkiewicz, Agents)

Re:

Application for annulment of the Council's decision not to extend the applicant's contract and, consequently, to terminate his employment relationship with the Council.

Operative part of the judgment

The Tribunal:

1. Dismisses Mr Gheysens' action;
2. Orders Mr Gheysens to pay all the costs.

(¹) OJ C 100, 17.4.2010, p. 69.

**Action brought on 5 October 2010 — Andrecs and Others
v Commission**

(Case F-96/10)

(2011/C 30/123)

Language of the case: French

Parties

Applicants: Stefan Robert Andrecs (Brussels, Belgium) and Others (represented by: L. Vogel, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the Commission's decision adjusting the applicants' remuneration, pensions and other allowances with effect from 1 July 2009, as set out in their salary slips, within the framework of the annual adjustment of the remuneration and pensions of officials and other servants pursuant to Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009.

Form of order sought

— Annul the decision by which the appointing authority fixed the new amount of the applicants' remuneration, pensions and other allowances under the Staff Regulations, as set out in particular in the applicants' salary slips R6/2009 and 01/2010, and annul the decision by which, on 24 June 2010, the appointing authority rejected the applicants' complaint of 29 March 2010 in so far as those decisions deny the applicants an increase in their remuneration, pensions and allowances under the Staff Regulations equivalent to 3.70 % of the original amount, and dismiss their application for interest to be awarded to them on the amounts still owed to them at the rate laid down by the European Central Bank for its main refinancing operations, increased by two percentage points, from the date on which the applicants became entitled to the sums at issue until full payment;

— Order the European Commission to pay the costs.

**Action brought on 15 October 2010 — Massez and Others
v Court of Justice**

(Case F-101/10)

(2011/C 30/124)

Language of the case: French

Parties

Applicants: Lieven Massez (Luxembourg, Luxembourg) and Others (represented by: A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Court of Justice of the European Union

Subject-matter and description of the proceedings

Annulment of the applicants' salary adjustment slips for the period from July to December 2009 and the salary slips issued since 1 January 2010 within the framework of the annual adjustment of the remuneration and pensions of officials and other servants pursuant to Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009.